

### III. REMARKS

With respect to the rejection of claims 7, 8, 15, 16 and 21 over Tavor in view of Heckerman under 35 U.S.C. §103(a), it is submitted that there is no motivation to combine the references, and even if combinable, the combination cannot achieve Applicant's invention. Thus, obviousness cannot be established under 35 U.S.C. §103(a).

The technical combination of the Heckerman approach and the Tavor approach is not possible, as they are based on technologies that cannot be combined without some major engineering. It is submitted that is not evident from or obvious to take the "use probabilities" of Heckerman and the "use rules to determine product suitability" Tavor to use rules to work with product probabilities as in Applicant's invention. In particular, Applicant is NOT using the typical (state-of-the-art) way of performing probabilistic reasoning with rules (adding certainty factors to rule as in the MYCIN expert system shell) as this would not have the desired effect of making the recommendation dialog more effective. Re-interpreting our rules as believe networks in the Heckerman sense (as the Examiner might be suggesting) is NOT possible, as our rules do not link the product attributes to desired products, but rather only link user needs to product attributes. Thus, there is no objective teaching in either Heckerman or Tavor that would suggest to one of skill in the art, Applicant's claimed subject matter.

There are also a number of differences between Heckerman and Applicant's invention. In particular the process of determining the next question to ask in Heckerman seems to be based on the following process (not really made explicit in the patent):

(1) perform collaborative filtering to determine which questions are typically answered by users (based on answers already given);

(2) determine the questions which have not yet been answered;

(3) determine the "value of information" for each unanswered question (There do not seem to be any mechanisms specified in Heckerman); and

(4) present the questions with the highest value of information.

Heckerman also sees the confirmation of interest in products as questions and thereby can deal with product presentation and question presentation in a unified way

Applicant's invention is different because Applicant's invention:

(1) determines questions (needs) which have not yet been asked;

(2) determines (in Heckerman terms) "the value of information" for each of the questions. Applicant describes a detailed mechanism for this, which is not a measure of information gain (as usual in these mechanisms and as probably implied by Heckerman). In particular Applicant's invention considers how the (likely) answer to a question will change the set of focused products and the how much this changed set would be liked by the user AND the seller; and

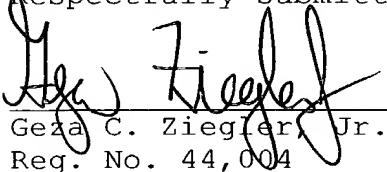
(3) presents the question with the highest value.

Thus, the process of Heckerman is quite different from Applicant's invention and each feature cannot be disclosed or suggested by the proposed combination. Therefore, it is respectfully submitted that given the differences between Heckerman and Tavor, a case of obviousness under 35 U.S.C. §103(a) cannot be established because there is no objective evidence that would indicate that a person would be motivated to make the combination to achieve Applicant's invention and even if the combination was attempted, the combination does not result in Applicant's invention.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

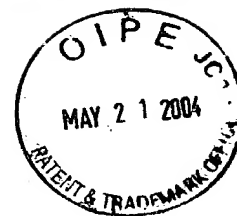
Since the original response was timely filed, no extension of time fee should be due for this supplemental response. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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Reg. No. 44,004

19 MAY 2004  
Date

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